

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

-----	X	
In re:	:	Chapter 7
	:	
RFS ECUSTA INC. and	:	Case Nos. 03-10358 (GRH)
RFS US INC.,	:	and 03-10360 (GRH)
	:	
Debtors.	:	(Jointly Administered)
-----	X	
LANGDON M. COOPER,	:	
as Chapter 7 Trustee for the estates of	:	
RFS ECUSTA INC. and RFS US INC., NATHU	:	
RAM PURI, UPENDRA K. PURI, AJAY	:	
BADHWAR, and STEVEN H. SMITH,	:	Case No. 3:06 - cv - 312
	:	
Plaintiffs,	:	
	:	
v.	:	<b><u>STIPULATION AND ORDER</u></b>
	:	
CNA FINANCIAL CORPORATION, COLUMBIA	:	
CASUALTY COMPANY, and ZURICH	:	
AMERICAN INSURANCE COMPANY,	:	
	:	
Defendants.	:	
	:	
-----	X	

WHEREAS, on July 28, 2006 Plaintiffs filed a Complaint against the Defendants  
commencing the above-captioned action (the "Complaint");

WHEREAS, Rule 4(m) of the Federal Rules of Civil Procedure (the "Rules") provides  
that a summons and complaint shall be served within 120 days after the filing of the complaint or  
such later date as the court may direct upon a showing of good cause;

WHEREAS, under Rule 4(m) the deadline to serve the Complaint is currently November  
27, 2006; and

WHEREAS, Plaintiffs and Defendants CNA Financial Corp. ("CNA") and Columbia Casualty Co. ("Columbia") are exploring whether litigation of Plaintiffs claims may be avoided.

NOW THEREFORE, it is Stipulated and Agreed by Plaintiffs and Defendants, acting through their respective counsel, as follows:

1. Plaintiffs' time to serve the Complaint is extended to and including December 22, 2006;
2. The Complaint may be served by Plaintiffs by overnight mail on the undersigned counsel for Defendants CNA and Columbia, who have expressly agreed to accept service on behalf of CNA and Columbia.
3. Other than as set forth herein, this Stipulation and Order is fully without prejudice to the rights and claims of the parties in this action.

Dated: Charlotte, North Carolina  
November \_\_, 2006

**MULLEN HOLLAND & COOPER, P.A.**

By: /s/ Langdon M. Cooper  
Langdon M. Cooper  
N.C. Bar No. 936  
P.O. Box 488 (28053)  
301 South York Street  
Gastonia, North Carolina 28052  
(704) 864-3751  
Counsel to the Trustee

**MOSES & SINGER LLP**

Alan E. Gamza  
Lawrence L. Ginsburg  
Christopher J. Caruso  
405 Lexington Avenue  
New York, New York 10174-1299  
(212) 554-7800  
Special Counsel to the Trustee

**THE LAW OFFICE OF AARON E. BRADSHAW**

By: /s/ Aaron E. Bradshaw  
Aaron E. Bradshaw  
N.C. Bar No. 12874  
313 S. South Street, P.O. Box 1072  
Gastonia, NC 28053  
(708) 866-8289

Counsel to Nathu Ram Puri, Upendra K. Puri,  
Ajay Badhwar, and Steven H. Smith

**COZEN O'CONNER**

By: /s/ Kim Sullivan  
Kim Sullivan, Esq.  
N.C. Bar No. 23480  
301 South College Street, Suite 2100  
Charlotte, NC 28202  
(704) 376-6400

**COZEN O'CONNER**

Kevin M. Mattessich  
45 Broadway  
16th Floor  
New York, New York 10006

Counsel to Defendants CNA Financial  
Corporation and Columbia Casualty Company

CONSENTED AND AGREED TO BY:

**ROSS DIXON & BELL, LLP**

By: /s/ Teah Lupton  
David Gische  
Teah Lupton  
2001 K Street N.W.  
Washington D.C. 20006-1040  
202-662-2015

Counsel for Zurich American Insurance Co.

SO ORDERED:

Signed: November 15, 2006



Graham C. Mullen  
United States District Judge

